

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA


JOSEPH M. CALDWELL,	)	No. C 09-1775 JSW (PR)
	)	
Plaintiff,	)	<b>ORDER OF DISMISSAL</b>
	)	
v.	)	
	)	
MICHAEL HENNESSEY,	)	
	)	
Defendant.	)	
_____	)	

On April 22, 2009, Plaintiff filed a *pro se* civil rights action in this Court. On October 8, 2009, this Court dismissed the complaint with leave to amend within thirty days of the Court's order. In the Court's order, Plaintiff was notified that failure to amend by the designated time would result in a dismissal of the case.

More than thirty days have passed since October 8, 2009 and Plaintiff has not responded to the Court's order. Accordingly, this case is DISMISSED without prejudice for failure to prosecute and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file and enter judgment in this matter.

IT IS SO ORDERED.

DATED: December 2, 2009

  
\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH M CALDWELL,  
Plaintiff,

Case Number: CV09-01775 JSW

**CERTIFICATE OF SERVICE**

v.

MICHAEL HENNESSEY et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 2, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joseph M. Caldwell  
2277685  
850 Bryant Street  
San Francisco, CA 94103

Dated: December 2, 2009



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk